

**UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEW JERSEY**

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MARY M. BOILY, an individual; and	:	
VALMORE P. BOILY, her husband,	:	Civil Action No. 08-4967 (SDW-MCA)
per quod,	:	
Plaintiffs,		<b><u>ORDER</u></b>
v.		
WALT DISNEY WORLD COMPANY,	:	May 1, 2009
a business entity; POP CENTURY	:	
RESORT, a business entity; ABC	:	
COMPANIES (I-X), fictitiously named	:	
business entities; JOHN DOES (I-X),	:	
fictitiously named individuals;	:	
Defendants.		
		:

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**ORDER ADOPTING THE REPORT AND RECOMMENDATION  
OF THE MAGISTRATE JUDGE**

This matter comes before the Court on the Report and Recommendation (“R&R”) of United States Magistrate Judge Madeline C. Arleo, dated April 1, 2009. The R&R concerns Defendant Walt Disney World Company’s motion to dismiss the complaint for lack of personal jurisdiction pursuant to Fed. R. Civ. P. 12(b)(6), or in the alternative, to transfer the case to the United States District Court for the Middle District of Florida pursuant to 28 U.S.C. § 1406(a), as well as Plaintiffs’ cross-motion for sanctions pursuant to Fed. R. Civ. P. 11.

Oral argument on the pending motions was held on March 20, 2009. On that day, Judge Arleo issued a ruling on the record, accompanied by a written Order. Plaintiffs filed an informal motion for reconsideration on March 24, 2009. In a written Opinion and Order dated April 1, 2009, Judge Arleo considers the parties’ arguments and recommends that Walt Disney World’s motion to dismiss be denied, that its motion to transfer be granted, and that Plaintiffs’ cross-

motion for sanctions and informal motion for reconsideration be denied. No objection to the April 1st R&R was filed.

The Court has reviewed the R&R and the briefs and documents on file in this matter.

Based on the foregoing, and for good cause shown,

IT IS, on this 1st day of May, 2009,

**ORDERED** that the R&R of Magistrate Judge Arleo dated April 1, 2009, is **ADOPTED** as the conclusions of law of this Court; and it is further

**ORDERED** that defendant Walt Disney World's motion to dismiss the complaint for lack of personal jurisdiction is **DENIED**; and it is further

**ORDERED** that all motions for sanctions pursuant to Fed. R. Civ. P. 11 are **DENIED**; and it is further

**ORDERED** that defendant Walt Disney World's motion to transfer this case pursuant to 28 U.S.C. § 1406(a) to the United States District Court for the Middle District of Florida is **GRANTED**.

s/ Susan D. Wigenton, U.S.D.J.

cc: Magistrate Judge Madeline C. Arleo